

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF THE IRON WORKERS'  
LOCAL NO. 25 PENSION FUND; IRON  
WORKERS' HEALTH FUND OF  
EASTERN MICHIGAN; IRON WORKERS  
LOCAL NO. 25 VACATION PAY FUND;  
and IRON WORKERS' APPRENTICE  
FUND OF EASTERN MICHIGAN, Trust  
Funds Established and Administered  
Pursuant to Federal Law,

Case No. 2:09-cv-13830

HONORABLE STEPHEN J. MURPHY, III

Plaintiffs,

v.

COOK CONSTRUCTION COMPANY, a  
Michigan Corporation, HERBERT J. COOK  
and HERBERT H. COOK, individually  
d/b/a WOLVERINE DECK & SIDING,

Defendants.

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**ORDER ADOPTING AND AFFIRMING REPORT AND  
RECOMMENDATION (docket no. 11) AND GRANTING  
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT (docket no. 8)**

This is a action by trustees of multi-employer benefit trust funds to collect delinquent fringe benefits. This matter comes before the Court on plaintiff's motion for entry of default judgment against defendants Cook Construction Company, Herbert J. Cook and Herbert H. Cook, individually d/b/a Wolverine Deck and Siding (docket no. 8).

Plaintiffs are benefit trust funds, affiliated with the Iron Workers' Local Union No. 25 ("Local 25"), that are established under and administered pursuant to Section 302 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 186 and the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001 et seq. On September 29, 2009, plaintiffs brought this action against the defendants for delinquent fringe benefit

contributions required to be paid under the collective bargaining agreement ("CBA") between Local 25 and defendant Cook Construction Company. The Clerk entered a default against all defendants on November 18, 2009 (docket no. 7). Plaintiffs then filed the present motion for a default judgment on February 11, 2010 (docket no. 8). On February 24, 2010, the motion for default judgment was referred to Magistrate Judge Mark Randon for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A) (docket no. 9). Magistrate Judge Randon issued a report and recommendation, dated March 25, 2010, in which he recommended that this Court (1) grant plaintiffs' motion for default judgment and enter judgment against defendants in the total amount of \$18,172.71; (2) order that the plaintiffs may, within ten days of entry of judgment, move to amend the judgment to include the statutory mandates of U.S.C. §1132(g)(2)(B) and §1132(g)(2)(ii) (statutorily provided interest); and (3) order that jurisdiction of this matter be retained pending compliance with the Court's orders. The Magistrate Judge also notified the parties that any objections must be filed within fourteen days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Randon's report and recommendation, see 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not and will not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the Report and Recommendation [docket entry 11] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that plaintiffs' motion for default judgment [docket entry 8] is **GRANTED**.

**IT IS FURTHER ORDERED** that judgment will be entered against defendants in the total amount of \$18,172.71;

**IT IS FURTHER ORDERED** that Plaintiffs may, within ten (10) days of entry of Judgment, move to amend the judgment to include the statutory mandates of U.S.C. §1132(g)(2)(B) and §1132(g)(2)(ii) (statutorily provided interest); and

**IT IS FURTHER ORDERED** that jurisdiction of this matter is retained pending compliance with the Court's orders.

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: June 11, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 11, 2010, by electronic and/or ordinary mail.

Alissa Greer  
Case Manager